

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DWAINE WRIGHT,

Plaintiff,

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Case No. 3:15-cv-211

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

RION MacCONNELL,

Defendant.

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**ORDER REGARDING DEFENDANT'S MOTION TO SET ASIDE  
DEFAULT JUDGMENT**

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This case is before the Court on Plaintiff's Response (ECF No. 64) to Defendant's Motion to Set Aside Default Judgment (ECF No. 63).

The Motion to Set Aside was filed March 13, 2017. Plaintiff served his Response on March 19, 2017, claiming Defendant did not serve a copy on him. Plaintiff does not say how he knows of the Motion to Set Aside if he has not received a copy. Plaintiff is ordered to file an affidavit with the Court stating how he learned of the Motion to Set Aside.

Conversely, the Motion to Set Aside contains a Certificate of Service which asserts the Motion was in fact served on Plaintiff by ordinary mail directed to the same address the Court

has for Plaintiff. Defendant is ordered to file an affidavit setting forth in detail the facts of service of the Motion to Set Aside.

In the future in this case, both parties are ordered to make proof of service by sworn affidavit.

The Clerk is ordered to mail a copy of the Motion to Set Aside to Plaintiff. Plaintiff's time to respond to the motion is extended to and including April 10, 2017.

March 21, 2017.

s/ *Michael R. Merz*  
United States Magistrate Judge

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